

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO**

**Petition for Revocation of Supervised Release**

Name of Offender: Nicholous Phillips  
Docket Number: 1084 1:09CR03601-001MV  
Assigned Judge: Honorable Martha Vázquez, United States District Judge  
Date of Original Sentence: 06/16/2012  
Original Offense: 18 U.S.C. 922 (g)(1) and 924 (a)(2): Felon in Possession of a Firearm and Ammunition  
Original Sentence: BOP: 60 months; TSR: 2 years  
Date Supervision Commenced: 09/05/2018  
Date Supervision Expires: 09/04/2020  
Other Court Action: 01/15/2019: Report on Offender Under Supervision submitted to the court after the defendant had three positive urine tests for amphetamines on December 1, 17 and 19, 2018. The defendant admitted consuming methamphetamine on two occasions. No court action recommended, and the Court agreed.  
06/06/2019: Report on Offender Under Supervision submitted to the court after the defendant had four positive urine tests for amphetamines on May 16, 28, 30 and 31 2019. The defendant admitted to consuming methamphetamines on two occasions. No actions recommended, and the Court agreed.

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**PETITIONING THE COURT**

To issue a summons.

U.S. Probation Officer of the Court, Amy C. Gee, alleges the offender has violated the following condition(s) of supervised release.

| <b><i>Violation<br/>Type</i></b> | <b><i>Nature of Noncompliance</i></b> |
|----------------------------------|---------------------------------------|
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|    |  |
|----|--|
| SC | The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. |
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On June 28, 2019 a home visit was conducted at the defendant's reported residence. A purple Crown Royal whiskey bag was observed on the center console of a truck parked in the driveway of the residence. The truck was determined to be a rental vehicle the defendant had been driving. During a further search of the truck, numerous syringes were found inside of the Crown Royal whiskey bag. The defendant admitted he used one of the syringes to inject methamphetamine earlier in the day. He reportedly discarded the used syringe.

MC

The defendant shall refrain from any unlawful use of a controlled substance.

The defendant submitted drug tests that were positive for amphetamine on June 5, 28 and 30, 2019 and July 1, 2019. Laboratory confirmations returned positive for D-Methamphetamine for the tests submitted on June 5 and 30, 2019 and July 1, 2019. The confirmation is pending for the June 28, 2019 test; however, the defendant did verbally admit to using methamphetamine that same day.

The maximum statutory penalty: 2 years imprisonment; 3 years supervised release.

The revocation range of imprisonment: 7 to 13 months.

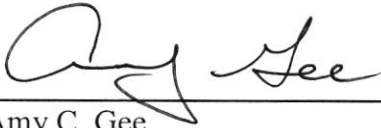
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/17/2019.

Submitted:

Approved:

☒ Phone Approval



Amy C. Gee  
U.S. Probation Officer

Jack Burkhead  
(505) 346-7274  
Assistant U.S. Attorney

Date: 07/17/2019